

DOCKET NO: 296905US28PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HIROSHI SAWADA, ET AL. : EXAMINER: SUAREZ, FELIX  
SERIAL NO: 10/594,983 :  
FILED: SEPTEMBER 29, 2006 : GROUP ART UNIT: 2857  
FOR: SIGNAL SEPARATING :  
APPARATUS, SIGNAL SEPARATING  
METHOD, SIGNAL SEPARATING  
PROGRAM AND RECORDING MEDIUM

**PETITION UNDER 37 C.F.R. §1.181(A)(3)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:


Applicants herein petition the Commissioner to invoke his supervisory authority to compel the Examiner to consider Document (AN) cited in the Information Disclosure Statement filed on January 8, 2007.

The Information Disclosure Statement, in conformity with the requirements of 37 C.F.R. §1.97-1.98, was filed on January 8, 2007, together with a copy of Document (AN) comprising a publication having an abstract in the English language, and a notation that particular documents were cited in the International Search Report which was filed on September 29, 2006. The above-referenced application has now been allowed. The Document (AN) cited in the Information Disclosure Statement was originally given consideration by the Examiner on January 26, 2009, but was later crossed out by the Examiner on July 20, 2009, because the publication allegedly lacked a date.

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. The Information Disclosure Statement is in compliance with 37 C.F.R. §1.97-1.98 since the Document (AN) has an English abstract and the date of the publication is listed on the International Search Report as being October 14, 2005. A copy of the publication may be found on PAIR as a NPL document submitted with the Information Disclosure Statement filed January 8, 2007, and a copy of the International Search Report may be found on PAIR as Documents submitted with 371 Applications on the last two pages thereof (pages 132 and 133). Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R. §1.181 be granted and that the Examiner consider the Information Disclosure Statement filed January 8, 2007, including Document (AN) cited therein.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



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